

1 The Honorable Ricardo S. Martinez
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 THE CHARTER OAK FIRE INSURANCE
12 COMPANY AND TRAVELERS PROPERTY
13 CASUALTY COMPANY OF AMERICA,

14 Plaintiffs,

15 v.

16 CHAS. H. BERESFORD CO., INC., and
17 CHARLES H. BERESFORD CO., INC.,
18 Washington corporations,

19 Defendants.

20 Case No. 2:21-cv-00093-RSM

21 **STIPULATED MOTION AND ORDER
22 EXTENDING CERTAIN DEADLINES**

23 *Noted on Motion Calendar:
24 October 28, 2021*

25 **STIPULATION**

26 Pursuant to LCR 7(d)(1) and LCR 10(g), Plaintiffs The Charter Oak Fire Insurance
27 Company and Travelers Property Casualty Company of America (“Plaintiffs”) and Defendants
Chas. H. Beresford Co., Inc. and Charles H. Beresford Co., Inc. (“Defendants”) move this Court
for an Order extending the time for certain deadlines. The parties respectfully submit that good
cause exists, as explained below.

This matter involves a dispute as to whether insurance policies issued by Plaintiffs to
Defendants provide coverage for claims alleged in a lawsuit brought against Defendants
captioned *Northshore School District v. Chas. H. Beresford Co., Inc.*, pending in the Superior
Court for the State of Washington, King County, Case No. 20-2-18141-2 SEA (“Underlying

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1 Action”). When the parties filed their Joint Status Report and Discovery Plan [Dkt. 009],
 2 Plaintiffs stated that they “anticipate that early dispositive motions may be brought with limited
 3 or no discovery based upon the language of the relevant insurance policies and the allegations of
 4 the pleading in the Underlying Action. Once those motions have been decided, discovery of
 5 facts and circumstances relating to the Underlying Action may be required with regard to
 6 remaining issues, if any, …” Defendants’ position was that “any determination of the duty to
 7 defend should be limited to the eight corners of the pleading in the Underlying Action … [and]
 8 that determination of insurance coverage for any duty to indemnify is not ripe and that discovery
 9 regarding the facts and circumstances of the Underlying Action would be prejudicial to the
 10 Defendants.” *Id.* at 4.B.

11 Plaintiffs moved for partial summary judgment on April 7, 2021 and the motion was
 12 noted for April 30, 2021. As of this date, the motion has not been decided and the parties have
 13 deferred discovery while the motion is pending. Because there are case deadlines set by the
 14 Court in its Order Setting Trial Date and Related Dates [Dkt. 10] that are approaching in the next
 15 few months, the parties are asking to extend all the deadlines for five and a half months.

16 Accordingly, Plaintiffs and Defendants hereby stipulate and agree that the following
 17 deadlines be extended:

Case Event	Old Deadline	New Deadline
Disclosure of expert testimony under FRCP 26(a)(2)	December 29, 2021	June 12, 2022
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	January 28, 2022	July 12, 2022
Discovery completed by	February 28, 2022	August 11, 2022
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	March 29, 2022	September 12, 2022
Mediation per LCR 39.1 (c)(3), if requested by the parties, held no later than	May 31, 2022	November 14, 2022
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	May 31, 2022	November 14, 2022

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1 Agreed pretrial order due	June 15, 2022	November 29, 2022
2 Trial briefs and proposed findings of fact and conclusions of law, designations of deposition testimony pursuant to LCR 32(e), and trial exhibits due	June 22, 2022	December 6, 2022
3 BENCH TRIAL DATE (length of trial: 4 days)	June 27, 2022	December 11, 2022

5 DATED this 28th day of October, 2021.
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7 DAVIS WRIGHT TREMAINE LLP
8 Attorneys for Plaintiffs

A. SHAWN HICKS
Attorneys for Defendants

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By /s/A. Shawn Hicks
A. Shawn Hicks, WSBA #14734

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ORDER

Pursuant to the Stipulated Motion Extending Certain Deadlines, now therefore,

IT IS HEREBY ORDERED THAT the following deadlines are extended:

Case Event	Old Deadline	New Deadline
Disclosure of expert testimony under FRCP 26(a)(2)	December 29, 2021	June 12, 2022
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	January 28, 2022	July 12, 2022
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DATED this 28th day of October 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

1 Presented by:

2 **Davis Wright Tremaine LLP**

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